

Bayer MaterialScience**RECEIVED
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Date October 28, 2004

To Examiner Jeffrey C. Mullis
U.S. Patent and Trademark Office

Fax 703-872-9306 Pages 5

From Aron Preis

Fax (412)777-3902 Tel. (412)777-3814

Re: Mo-7019/LeA 33,428
U.S. Serial Number: 10/089,134
Statement of Unintentional Abandonment Under
37 CFR 1.137(b)
Petition for Revival

FAX

Bayer Polymers LLC
Americas
100 Bayer Road
Pittsburgh, PA 15205-9741

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PTO/SB/64 (09-04)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

Mo-7019

First named inventor: Holger Warth

Application No.: 10/089,134

Art Unit: 1711

Filed: 03/25/2002

Examiner: Jeffrey C. Mullis

Title: Polymer Blends Containing Modified Polyesters

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,370.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Conditional Abandonment (identify type of reply):

☒ has been filed previously on February 11, 2004
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/84 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 7.11.03(c), subsections (III)(C) and (D)).]

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Signature

October 28, 2004

Date

Aron Preis

Typed or printed name

29,426

Registration Number, if applicable

Bayer MaterialScience LLC, Patent Department, 100 Bayer Road

Address

(412) 777-3814

Telephone Number

Pittsburgh, PA 15205-9741

Address

- Enclosures: ☐ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

October 28, 2004

Date

Signature

Aron Preis

Typed or printed name of person signing certificate

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PATENT APPLICATION
Mo-7019
LeA 33,428

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF)	
HOLGER WARTH ET AL)	GROUP NO.: 1711
SERIAL NUMBER: 10/089,134)	
FILED: MARCH 25, 2002)	EXAMINER: J.C. MULLIS
TITLE: POLYMER BLENDS CONTAINING MODIFIED POLYESTERS)	

STATEMENT OF UNINTENTIONAL ABANDONMENT UNDER 37 CFR 1.137(b)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Request is made for the revival of the subject application for the sole purpose of maintaining the continuity of co-pending Continuation Application which was granted a filing date of June 10, 2004.

Conditioned upon the granting of this Petition for Revival, to maintain continuity of serial number 10/776,819, Applicants respectfully request that serial number 10/089,134 will again be abandoned.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Aron Preis, Reg. No. 29,428
Type or print name of person signing certification


Signature

October 28, 2004
Date

Authorization to charge Deposit Account 13-3848 in the amount of \$1,370.00 is hereby granted. Any other necessary fees associated with this Petition should also be charged against Deposit Account 13-3848.

Respectfully submitted,

By


Aron Preis
Attorney for Applicants
Reg. No. 29,428

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Mo-7019

- 2 -

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